

## **REMARKS**

### **Summary of the Office Action**

In the Office Action, the Office:

- Deemed the restriction requirement final;
- Rejected Claim 27 under 35 U.S.C. § 112, second paragraph;
- Rejected Claims 31 and 36 under 35 U.S.C. § 102(b) as anticipated by Aiken (U.S. Patent Application Publication No. 2003/0230510);
- Rejected Claims 21-23 under 35 U.S.C. § 103(a) as unpatentable over Aiken in view of Overholt (U.S. Patent No. 7,086,555);
- Rejected Claim 24 under 35 U.S.C. § 103(a) as unpatentable over Aiken in view of Overholt as applied to Claim 21 and in further view of Jannard (U.S. Patent No. 4,308,762);
- Rejected Claims 25 and 30 under 35 U.S.C. § 103(a) as unpatentable over Aiken in view of Hassell (U.S. Patent Application Publication No. 2005/0263424);
- Rejected Claim 35 under 35 U.S.C. § 103(a) as unpatentable over Aiken in view of McGrath (U.S. Patent No. 5,896,992); and
- Objected to Claims 26, 28, and 29 as depending from a rejected base claim.

By this Reply, the Specification is amended to update the status of the priority data; Claims 1-20 remain cancelled; Claims 21-24 are cancelled; Claim 25 is amended; Claim 26 is cancelled; Claim 28 is amended; Claim 31 is cancelled; Claims 32-34 are withdrawn from consideration; and Claim 36 is cancelled. No new matter has been introduced.

### **Claim Amendments**

Claim 25 has been amended to incorporate the limitations from Claim 26, to which the Office previously objected as being dependent on a rejected base claim but was otherwise patentable. Therefore, Claim 25 is in condition for allowance.

Claim 28 has been amended to incorporate the limitation from previously presented Claim 25. The Office objected to Claim 28 as depending from a rejected base claim but was

otherwise patentable. Claim 28 depended directly from Claim 25. Therefore, Claim 28 is in condition for allowance.

**Traverse of Rejection of Claim 35**

The Office rejected Claim 35 as unpatentable over Aiken (U.S. Patent Application Publication No. 2003/0230510) in view of McGrath (U.S. Patent No. 5,896,992). Applicant traverses this rejection.

In the Office Action, the Office argued that McGrath teaches that it is known to provide a container with finger recesses, and it would have been obvious to one having ordinary skill in the art to provide the container of Aiken with the finger recesses of McGrath, in order to allow the user to grasp the container more comfortably. This may or may not be so; however, even if true, the combination of Aiken with McGrath does not disclose or teach every limitation of Claim 35, namely because Claim 35 requires a location of the finger recess areas that is much different from the location described in McGrath.

Claim 35 requires “. . . a plurality of lifting areas, wherein the lifting areas are located above the plurality of handle openings on each of the sidewalls on an interior surface of each of the sidewalls, and wherein the lifting areas include a sloped surface of the sidewall, and a plurality of finger recess areas located adjacent the sloped surface of the surface of the sidewall . . . ” (emphasis added). This indicates that the finger recesses of Claim 35 are located on an interior surface of the sidewalls above each of the handle openings. McGrath describes finger recesses within the handle openings, not on an interior surface of the sidewall as required by Claim 35. Thus, Claim 35 includes at least this nonobvious structural difference over the combination of Aiken and McGrath.

The finger recesses of Claim 35 are not an obvious modification of the finger recesses of McGrath. Claim 35's finger recesses are an improvement over the finger recesses within the handle openings described in McGrath, because the finger recesses of McGrath interfere with the placement of the user's fingers within handle openings and have sharp, uncomfortable edges between the sidewall interior surface and the handle openings. Meanwhile, the finger recesses of Claim 35 do not interfere with user's fingers within the handle openings at all. Absent some

teaching or motivation it would not be obvious to one of ordinary skill in the art to modify the location of the finger recesses of McGrath to arrive at the invention of Claim 35.

In view of the foregoing traverse, Applicant respectfully submits that Claim 35 is in condition for allowance.

**Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests the Office to reconsider the rejections, and allow Applicant's claims as amended. If deficiencies remain, the Office may contact the undersigned to facilitate allowance of this case. Additionally, please debit any fee deficiencies, or credit any overpayment, to Deposit Account No. 50-2803.

Respectfully submitted,

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